

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

**DO NOT WRITE IN THIS SPACE**

Case 18-CA-193006	Date Filed February 14, 2017
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**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Mandli Communications , Inc / Roadview		b. Tel. No. 1-608-835-3500
		c. Cell No.
		f. Fax No. 1-608-835-7891
d. Address (Street, city, state, and ZIP code) 4801 Tradewinds Pkwy# 101 Madison, WI 53718	e. Employer Representative Raymond Mandli , President	g. e-Mail
		h. Number of workers employed 8
i. Type of Establishment (factory, mine, wholesaler, etc.) Information Technology Services	j. Identify principal product or service Road Data Collection	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) Section 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since at least 08-16 and continuing presently, Roadview inc did not negotiate with a good faith intention to reach an agreement

RECEIVED  
NLRB  
FEB 14 AM 9:17  
MILWAUKEE, WI  
REGISTRATION


**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
International Association of Sheet Metal, Air, Rail and Transportation Workers Local 565

4a. Address (Street and number, city, state, and ZIP code) 1602 S. Park St, Room 105 Madison WI 53715	4b. Tel. No. 608-257-5757
	4c. Cell No. 608-770-3580
	4d. Fax No. 608-257-5757
	4e. e-Mail dkortte@sbcglobal.net

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**  
International Association of Sheet Metal, Air, Rail and Transportation Workers AFL-CIO

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  Dan Kortte  
(signature of representative or person making charge) (Print/type name and title or office, if any)

Tel. No.
Office, if any, Cell No.
Fax No.
e-Mail

Address 1602 S Park St Madison WI 53715 2-14-16 (date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880



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Mobile App

February 14, 2017

DANIEL KORTTE, MARKETING REPRESENTATIVE  
INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL, AND  
TRANSPORTATION WORKERS LOCAL 565-SM  
1602 S PARK ST  
SUITE 105  
MADISON, WI 53715-2159

Re: Mandli Communications, Inc. / Roadview  
Case 18-CA-193006

Dear Mr. KORTTE:

The charge that you filed in this case on February 14, 2017 has been docketed as case number 18-CA-193006. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If this Board agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAU, III whose telephone number is (414)930-7195.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

February 14, 2017

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

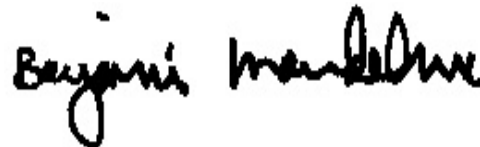
**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman".

By:

BENJAMIN MANDELMAN  
Officer in Charge

Copy of charge only sent to:

MARK SCHNEIDER, GENERAL  
COUNSEL  
INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE  
WORKERS, AFL-CIO  
9000 MACHINISTS PLACE, SUITE 202  
UPPER MARLBORO, MD 20772-2687



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

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Fax: (414)297-3880



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February 14, 2017

RAYMOND MANDLI, PRESIDENT  
ROADVIEW, INC.  
4801 TRADEWINDS PKWY STE 101  
MADISON, WI 53718-4100

Re: Mandli Communications, Inc. / Roadview  
Case 18-CA-193006

Dear Mr. Mandli:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If this Board agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAU, III whose telephone number is (414)930-7195.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

February 14, 2017

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

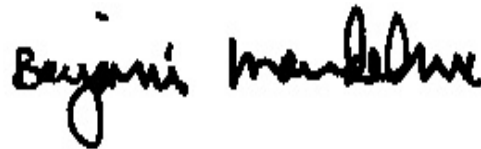
**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL  
Regional Director



By:

BENJAMIN MANDELMAN  
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**and**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS, LOCAL 565, AFL-CIO**

**Case 18-CA-193006**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by International Association of Sheet Metal, Air, Rail and Transportation Workers, Local 565, AFL-CIO (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Mandli Communications, Inc. / Roadview, whose correct name is Roadview, Inc., a wholly owned subsidiary of Mandli Communications, Inc. (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Union on February 14, 2017, and a copy was served on Respondent by U.S. mail on that same date.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Madison, Wisconsin, Respondent's facility, and has been engaged in the business of road data collection and compilation on behalf of its clients.

(b) In conducting its operations during the calendar year ending December 31, 2016, Respondent performed services valued in excess of \$50,000 in states other than the State of Wisconsin.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Field System Operator (FSO) employees, excluding all other employees, interns, guards and supervisors as defined in the Act.

(b) On March 10, 2016, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since March 10, 2016, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6. (a) About April 13, 2016, the Union, by letter, requested that Respondent recognize it as the exclusive collective-bargaining representative of the Unit and bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

(b) At various times from about May 24, 2016 through February 23, 2017, Respondent and the Union met for the purposes of negotiating an initial collective-bargaining agreement with respect to wages, hours, and other terms and conditions of employment.

(c) During the period described above in subparagraph (b), Respondent:

(i) Failed to provide its representatives with the sufficient authority to enter into binding agreements as to economic items, and

(ii) Failed to engage in bargaining sessions of sufficient length to allow for the back and forth intrinsic to successful negotiations.

(d) By the conduct described above in subparagraph (c), Respondent has failed and refused to bargain in good faith with the Union as the exclusive collective-bargaining representative of the Unit.

7. By the conduct described above in paragraph 6, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks an Order requiring Respondent to: (1) bargain on request within 15 days of a Board Order; and (2) ensure that a representative of Respondent with authority to agree to economic terms is available either in person or by telephone for the duration of all such bargaining sessions.

Additionally, as part of the remedy for Respondent's unfair labor practices alleged above in paragraph 6, the General Counsel seeks an Order requiring Respondent to bargain in good



faith with the Union, on request, for a period of six months, as a modification to the period required by *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962), as the recognized bargaining representative in the appropriate unit. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before May 30, 2017, or postmarked on or before May 26, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

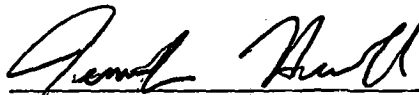
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a

pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on August 28, 2017 at 1:00 p.m. in the Hearing Room, 310 West Wisconsin Avenue, Suite 450W, Milwaukee, Wisconsin, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: May 16, 2017.



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JENNIFER A. HADSALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 18  
FEDERAL OFFICE BUILDING  
212 THIRD AVENUE SOUTH, SUITE 200  
MINNEAPOLIS, MN 55401-2657

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 18-CA-193006

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

RAYMOND MANDLI, PRESIDENT  
ROADVIEW, INC.  
4801 TRADEWINDS PKWY STE 101  
MADISON, WI 53718-4100

MARK B. HAZELBAKER, ESQ.  
KASIETA LEGAL GROUP LLC  
559 D'ONOFRIO DR STE 222  
MADISON, WI 53719-2842

DANIEL KORTTE, MARKETING REP.  
INTERNATIONAL ASSOCIATION OF  
SHEET METAL, AIR, RAIL, AND  
TRANSPORTATION WORKERS L565,  
AFL-CIO  
1602 S PARK ST SUITE 105  
MADISON, WI 53715-2159

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
Region 18 – Subregion 30

ROADVIEW, INC.,	)	
	)	
Employer	)	Case 18-CA-193006
	)	
Vs	)	
	)	
Local 565, SMART, AFL-CIO,	)	
	)	
Union	)	

ANSWER OF ROADVIEW, INC.  
TO COMPLAINT OF UNFAIR LABOR PRACTICES

NOW COMES Roadview, Inc., by its attorneys, Kasieta Legal Group, LLC, by Mark B Hazelbaker, and for its Answer to the Complaint herein, alleges as follows:

1. Admits paragraph 1.
2. Admits paragraph 2.
3. Admits paragraph 3.
4. Answering paragraph 4, admits that (b) (6), (b) (7)(C) is one of (b) (6), (b) (7)(C) of Mandli Communications, Inc., which is the owner of Roadview, Inc. Denies that (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) of Roadview; alleges that (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) of Roadview and (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C). Admits that (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C).

5. Answering paragraph 5:

- (a) Deny that the employees described in paragraph (a) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section (9)(b) of the Act.

(b) Admits paragraph (b).

(c) Admits paragraph (c).

6. Answering paragraph 6 (a), allege that about April 13, 2016, the Union had been certified, and contacted Respondent to request that negotiations be held.

Answering paragraph 6 (b), admit that the Respondent and the Union met 22 times between May 24, 2016 and February 23, 2017; affirmatively alleges that the Union discontinued negotiations on February 23, 2017.

Answering paragraph 6 (C), denies that (i) that its representatives lacked sufficient authority to enter into binding agreements on economic items. Affirmatively allege that the Respondent reached agreement on 21 articles of the proposed collective bargaining agreement, many of which included economic terms such as health insurance, a 401(k) plan, vacation, sick leave, and, personal days Further, Respondent denies that (ii) it failed to engage in sufficiently lengthy sessions to allow for meaningful or effective negotiations.

Answering paragraph 6 (d), denies that the Respondent failed or refused to bargain in good faith with the Union as the representative of the Unit.

7. Denies paragraph 7.

8. Answering paragraph 8, denies that the Respondent committed unfair labor practices, but admits that the collective bargaining relationship and activities described in the Complaint affect commerce within the meaning of Section 2(6) and (7) of the Act.

Further responding to the Complaint, denies that the relief requested is appropriate or required.

Dated May 26, 2017.

KASIETA LEGAL GROUP, LLC

*Mark B Hazelbaker*

Mark B Hazelbaker  
State Bar ID No 1010302  
559 D'Onofrio Drive Suite 222  
Madison, WI 53719  
608-662-2300

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**and**

**Case 18-CA-193006**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS LOCAL 565, AFL-CIO**

**ORDER RESCHEDULING HEARING**

Pursuant to Section 102.16 of the Board's Rules and Regulations, IT IS ORDERED that the hearing in the above-entitled matter is rescheduled from August 28, 2017 to **October 23, 2017 at 9:00 a.m.** in the Hearing Room, 310 West Wisconsin Avenue, Suite 450W, Milwaukee, Wisconsin. The hearing will continue on consecutive days until concluded.

Dated: August 7, 2017.

JENNIFER A. HADSALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 18

By: /s/ Benjamin Mandelman

---

BENJAMIN MANDELMAN  
OFFICER-IN-CHARGE  
NATIONAL LABOR RELATIONS BOARD  
SUBREGION 30  
310 WEST WISCONSIN AVENUE, STE 450W  
MILWAUKEE, WI 53203-2246

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
Region 18 – Subregion 30

ROADVIEW, INC.,	)	
	)	
Employer	)	Case 18-CA-193006
	)	
Vs	)	
	)	
Local 565, SMART, AFL-CIO,	)	
	)	
Union	)	

MOTION BY ROADVIEW, INC.  
TO RESCHEDULE HEARING

NOW COMES Roadview, Inc., by its attorneys, Kasieta Legal Group, LLC, by Robert J. Kasieta and Mark B Hazelbaker, and moves for an order rescheduling the hearing in this matter now set for October 23, 2017.

The basis for this Motion is that counsel for Roadview, Inc. will be unavailable on October 23, 2017, the date set for the hearing in a notice issued on August 7, 2016 by Mr. Benjamin Mandelbaum, Officer-in-Charge of the NLRB Subregion 30 office. Counsel are unavailable because Attorney Robert Kasieta of our firm, who will be the hearing counsel in this matter, is scheduled to handle a jury trial in Dane County Circuit Court which commences on that date and which will continue for several days. (b) (6), (b) (7)(C) which is the reason why it has been determined that Attorney Kasieta will be hearing counsel.

Therefore, the undersigned respectfully requests that the hearing be rescheduled. In rescheduling the hearing, your Movant indicates that counsel are available on the following dates in October and November 2017, and January 2018. Attorney Hazelbaker is not available from November 21 to December 24 as the result of a long-planned trip to South America.



October 31; November 2, 13, 14, 15, 16, 17, 20, 21. January 2, 3, 4 and 5, 8, 9, 10, 11,  
12.

Dated August 9, 2017.

KASIETA LEGAL GROUP, LLC

*Mark B Hazelbaker*

Mark B Hazelbaker  
State Bar ID No 1010302  
559 D'Onofrio Drive Suite 222  
Madison, WI 53719  
608-662-2300

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**and**


**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS LOCAL 565, AFL-CIO**

**Cases 18-CA-193006 and  
18-CA-202390**

**ORDER CONSOLIDATING CASES**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED** that Cases 18-CA-193006 and 18-CA-202390, which are both based on charges filed by the International Association of Sheet Metal, Air, Rail, and Transportation Workers Local 565, AFL-CIO (Union) against Roadview, Inc., A Wholly Owned Subsidiary of Mandli Communications, Inc. (Respondent) are consolidated. The hearing in these Consolidated Cases will be conducted on October 23, 2017 at 9:00 a.m. in the Hearing Room, 310 West Wisconsin Avenue, Suite 450W, Milwaukee, Wisconsin, pursuant to the previously issued Order Rescheduling Hearing in Case 18-CA-193006 dated August 7, 2017.

Dated: September 26, 2017.

  
\_\_\_\_\_  
JENNIFER A. HADSALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 18  
FEDERAL OFFICE BUILDING  
212 THIRD AVENUE SOUTH, SUITE 200  
MINNEAPOLIS, MN 55401-2657

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
Region 18 – Subregion 30

ROADVIEW, INC.,	)	
	)	
Employer	)	Case 18-CA-193006
	)	
Vs	)	
	)	
Local 565, SMART, AFL-CIO,	)	
	)	
Union	)	

ANSWER OF ROADVIEW, INC.  
TO SECOND AMENDED COMPLAINT OF UNFAIR LABOR PRACTICES

NOW COMES Roadview, Inc., by its attorneys, Kasieta Legal Group, LLC, by Mark B Hazelbaker, and for its Answer to the Second Amended Complaint herein, alleges as follows:

1. Admits paragraph 1.
2. Admits paragraph 2.
3. Admits paragraph 3.
4. Admits paragraph 4.
5. Answering paragraph 5:
  - (a) Deny that the employees described in paragraph (a) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section (9)(b) of the Act.
  - (b) Admits paragraph (b).
  - (c) Admits paragraph (c).
6. Admits paragraph 6.

7. Answering paragraph 7, admit that the Union has requested the financial information described in the subparagraph (a). Deny that the information requested is necessary for the Union's performance of its obligations. Admit that the Respondent has refused to provide the information. Affirmatively allege that the Respondent refused to provide the information because the Union previously breached express agreements to maintain the confidentiality of information provided during negotiations, and the Respondent had good cause to believe that the Union could not be relied upon to maintain the confidentiality of any financial information provided to the Union.
8. Admits the Union requested additional financial information on June 21, 2017. Deny that the information requested is necessary for the Union's performance of its obligations. Admit that the Respondent has refused to provide the information. Affirmatively allege that the Respondent refused to provide the information because the Union previously breached express agreements to maintain the confidentiality of information provided during negotiations, and the Respondent had good cause to believe that the Union could not be relied upon to maintain the confidentiality of any financial information provided to the Union.
9. Denies paragraph 9.
10. Denies paragraph 10, and indicates that its refusal to bargain was for challenging the validity of the bargaining unit. The Respondent seeks to argue for reversal and modification of any Board rules or holdings to the contrary.
11. Denies paragraph 11.

12. Answering paragraph 12, admits that the actions of the Respondent impact interstate commerce, but deny that these actions were unfair labor practices.

Answering the remainder of the Complaint, allege that the General Counsel's proposed remedy of requiring Raymond Mandli to read a notice would constitute forced speech in violation of the First Amendment of the United States. Denies that the other remedies requested by the General Counsel are supported by the law or the facts.

Further responding to the Complaint, denies that the relief requested is appropriate or required.

Dated September 29, 2017.

KASIETA LEGAL GROUP, LLC

A handwritten signature in black ink, appearing to read 'Mark B. Hazelbaker', with a long horizontal flourish extending to the right.

Mark B Hazelbaker  
State Bar ID No 1010302  
559 D'Onofrio Drive Suite 222  
Madison, WI 53719  
608-662-2300

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
Region 18 – Subregion 30

ROADVIEW, INC.,	)	
	)	
Employer	)	Case 18-CA-193006
	)	
Vs	)	
	)	
Local 565, SMART, AFL-CIO,	)	
	)	
Union	)	

MOTION BY ROADVIEW, INC.  
TO RESCHEDULE HEARING

NOW COMES Roadview, Inc., by its attorneys, Kasieta Legal Group, LLC, by Robert J. Kasieta and Mark B Hazelbaker, and pursuant to Rules 102.16 (b) and 102.24 (a) of the Rules and Regulations of the National Labor Relations Board, and respectfully moves for an order rescheduling the hearing in this matter now set for October 23, 2017.

The basis for this Motion is that the designated trial counsel for Roadview, Inc. will be unavailable on October 23, 2017, the date set for the hearing in a notice issued on September 26, 2017 by Jennifer A. Hadsall, Regional Director of the NLRB Subregion 30 office. Counsel are unavailable because Attorney Robert Kasieta of our firm, who will be the hearing counsel in this matter, is scheduled to handle a jury trial in Dane County Circuit Court which commences on that date and which will continue for several days. (b) (6), (b) (7)(C)

which is the reason why it has been determined that Attorney Kasieta will be hearing counsel.

Your movant filed a motion to reschedule the October 23, 2017 on August 9, 2017, and again on September 29, 2017. The motions were filed immediately after Respondent received

notice of the hearing date of October 23 on the original and the second amended complaints. This motion is not made for any improper purpose.

Therefore, the undersigned respectfully requests that the hearing be rescheduled. In rescheduling the hearing, your Movant indicates that counsel are available on the following dates in October and November 2017, and January 2018. Attorney Hazelbaker is not available from November 21 to December 24 as the result of a long-planned trip to South America.

October 31; November 2, 13, 14, 15, 16, 17, 20, 21. January 2, 3, 4 and 5, 8, 9, 10, 11, 12.

Dated October 3, 2017.

KASIETA LEGAL GROUP, LLC

*Mark B Hazelbaker*

Mark B Hazelbaker  
State Bar ID No 1010302  
559 D'Onofrio Drive Suite 222  
Madison, WI 53719  
608-662-2300

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**and**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS LOCAL 565, AFL-CIO**

**Cases 18-CA-193006 and  
18-CA-202390**

**GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S MOTION TO POSTPONE**

On October 3, 2017, Respondent filed a motion to postpone the hearing with the Division of Judges on the basis that its hearing counsel will be unavailable during the week of the hearing due to a previously scheduled jury trial in Dane County Circuit Court.<sup>1</sup> General Counsel opposes any postponement in the above-referenced matter, which is scheduled for hearing on October 23, 2017 for the reasons stated below.

The Complaint in Case 18-CA-202390 alleges that Respondent violated Section 8(a)(1) and (5) of the Act by refusing to bargain with the Union and effectively withdrawing recognition from the Union as of July 13, 2017. It also alleges that Respondent violated the Act by refusing to provide the Union with information relevant and necessary to its performance and duties as the exclusive collective-bargaining representative, including, but not limited to, contact information about bargaining unit employees, all of whom work remotely and are spread out across the country.

Respondent's unlawful conduct as described above has left the employees with no bargaining representative and the Union with no effective ways to communicate to the unit

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<sup>1</sup> The Region denied Respondent's prior motions to postpone via Order dated October 2, 2017.



employees it lawfully represents. While ordinarily a short postponement may be of little consequence, time is of the essence in this case because of the egregious nature of the violations. Any delay in this matter will only serve to undermine the Union and lengthen the amount of time employees are deprived of their right to be represented by their chosen collective-bargaining representative. For this same reason, Section 10(j) injunctive relief is being considered.

Finally, should Your Honor grant Respondent's postponement request, Counsel for General Counsel respectfully asks that that the matter be scheduled for hearing as soon as possible in accordance with Section 102.94(a) of the Board's Rules and Regulations, given the possibility that Section 10(j) injunctive relief may be sought.

Dated: October 4, 2017.

1 18 4 1 527  
\_\_\_\_\_  
Renée M. Medved  
Counsel for General Counsel  
National Labor Relations Board  
Region 18 – Sub-Region 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**and**

**Cases 18-CA-193006 and  
18-CA-202390**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS LOCAL 565, AFL-CIO**

**ORDER RESCHEDULING HEARING**

At the request of Respondent, for good cause, and consistent with communications between the parties and Deputy Chief Administrative Law Judge Arthur J. Amchan, **IT IS ORDERED** that the hearing in the above-entitled matter is rescheduled from October 23, 2017 to **October 31 at 9:00 a.m. in the Hearing Room, 310 W. Wisconsin Avenue, Suite 450W, Milwaukee, Wisconsin.** The hearing will continue on consecutive days including November 1 and 2, 2017.

Dated: October 6, 2017.

JENNIFER A. HADSALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 18

By: /s/ Benjamin Mandelman

---

BENJAMIN MANDELMAN  
OFFICER-IN-CHARGE  
NATIONAL LABOR RELATIONS BOARD  
SUBREGION 30  
310 WEST WISCONSIN AVENUE, STE 450W  
MILWAUKEE, WI 53203-2246

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
SETTLEMENT AGREEMENT

**IN THE MATTER OF**

**Roadview, Inc.,  
a wholly owned subsidiary of Mandli Communications, Inc.**

**Cases 18-CA-193006  
-and-  
18-CA-202390**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

**POSTING OF NOTICE** — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in locations where notices to employees are customarily posted. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

**E-MAILING NOTICE** - The Charged Party will email a copy of the signed Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all employees in the bargaining unit. The message of the e-mail transmitted with the Notice will state: “We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 18 of the National Labor Relations Board in Cases 18-CA-193006 and 18-CA-202390.” The Charged Party will forward a copy of that e-mail, with all of the recipients’ e-mail addresses, to the Region’s Compliance Officer at [richard.neuman@nlrb.gov](mailto:richard.neuman@nlrb.gov).

**READING OF NOTICE**—The Charged Party will hold a videoconference or teleconference meeting or meetings with bargaining unit employees, scheduled to ensure the widest possible attendance, at which a responsible management official of the Charged Party will read the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, in the presence of a Board agent (via teleconference or videoconference). The reading will take place at a time when the Charged Party would customarily hold meetings and must be completed prior to the completion of the 60-day Notice posting period. The date and time(s) of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner the Charged Party normally announces meetings and must be approved by the Regional Director.

**COMPLIANCE WITH NOTICE** — The Charged Party will comply with all the terms and provisions of said Notice. With respect to paragraph 7 in the Complaint in Case 18-CA-202390, the information to be provided is limited to the Charged Party’s claims of non-competitiveness, as well as subject to an agreed-to confidentiality provision related to proprietary or financial information.

**EXTENSION OF CERTIFICATION YEAR** – The Union was certified as the exclusive collective bargaining representative of the employees in the unit set forth on the Notice herein on March 10, 2016, in case 18-RC-168097. To ensure that the employees are accorded the services of their selected bargaining agent for the period provided by law, we shall extend the initial period of the certification for eight months from the date of the parties’ next bargaining session, per the decision in *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962).

**SCOPE OF THE AGREEMENT** — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of

those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

**PARTIES TO THE AGREEMENT** — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

**AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY** — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes            **(b) (6), (b) (7)(C)**  
                    Initials

No             
                    Initials

**PERFORMANCE** — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the complaints previously issued on May 16, 2017 in Case 18-CA-193006 and on September 25, 2017 in Case 18-CA-202390. Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaints. The Charged Party understands and agrees that the allegations of the aforementioned complaints will be deemed admitted and its Answers to such complaints will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaints to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<b>Charged Party</b> <b>Roadview, Inc.</b> <b>(b) (6), (b) (7)(C)</b>	10-20-17	<b>Charging Party</b> <b>International Association of Sheet Metal, Air, Rail and Transportation Workers Local 565, AFL-CIO</b>	
By:            Name and Title	Date	By:            Name and Title	Date
			10-24-17
<b>(b) (6), (b) (7)(C)</b>		/s/ Don Kortte	
<b>(b) (6), (b) (7)(C)</b>		Dan Kortte, Marketing Representative	
Recommended By:	Date	Approved By:	Date
/s/ Renée M. Medved RENÉE M. MEDVED Attorney	10/24/17	/s/ Jennifer A. Hadsall/BM JENNIFER A. HADSALL Regional Director, Region 18	10/24/2017

**CERTIFICATION OF COMPLIANCE**  
**(PART ONE)**

RE: Roadview, Inc.  
Cases 18-CA-193006; 18-CA-202390

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

**Physical Posting**

The signed and dated Notice to Employees in the above matter was posted on

(date) 11/13/17 at the following locations: (List specific places of posting)

Main bulletin board on first floor at 2655 Research Park Drive, Fitchburg, WI. Garage area bulletin board at 2655 Research Park Drive. Garage area at 375 North Burr Oak Avenue, Oregon WI 53575.

**Electronic Distribution**

The signed and dated Notice to Employees in the above captioned matter was distributed electronically on

(date) 11/13/17 by the following means. (State means of distribution and attach proof.)

Jeff Healy (Director of Operations & General Counsel) emailed the employee group at 4:46 p.m. A copy of the email is attached.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

**ROADVIEW, INC.**

(Employer)

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Roadview

Date:

11-13-17

This form should be returned to the Compliance Officer, together with **TWO** original Notice, dated and signed in the same manner as those posted. If the Certification of Compliance Part One and signed Notice is returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880

September 6, 2018

Mark B. Hazelbaker, Esq.  
Kasieta Legal Group LLC  
559 D'onofrio Dr Ste 222  
Madison, WI 53719-2842

Re: Roadview, Inc., A Wholly Owned  
Subsidiary of Mandli Communications, Inc.  
Cases 18-CA-193006; 18-CA-202390

Dear Mr. Hazelbaker:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

By: /s/ Benjamin Mandelman

BENJAMIN MANDELMAN  
Officer in Charge

cc: Steve Caya, President  
Roadview, Inc.  
4801 Tradewinds Pkwy Ste 101  
Madison, WI 53718-4100


Daniel Kortte, Marketing Representative  
International Association of Sheet Metal,  
Air, Rail, and Transportation Workers  
Local 565, AFL-CIO  
1602 S Park St, Suite 105  
Madison, WI 53715-2159

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
18-CA-202390	July 14, 2017

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Roadview, Inc.		b. Tel. No. (608)883-3500
		c. Cell No.
d. Address (street, city, state ZIP code) 4801 Tradewinds Pkwy Ste 101, Madison, WI 53718-4100	e. Employer Representative Raymond Mandli President	f. Fax No. (608)883-7891
		g. e-Mail hr@mandli.com
		h. Dispute Location (City and State) Madison, WI
i. Type of Establishment (factory, nursing home, hotel) IT Services	j. Principal Product or Service Road Data Collection	k. Number of workers at dispute location 16
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Since about July 13, 2017, the Employer has failed to bargain collectively and in good faith with SMART Local 565, by withdrawing recognition of the Union as the certified representative of the bargaining unit, and refusing to engage in further bargaining regarding the employees' terms and conditions of employment.</p> <p>Due to the severity of the allegations, the Union respectfully requests the Region seek injunctive relief under Section 10(j) of the Act.</p>		
3. Full name of party filing charge (If labor organization, give full name, including local name and number) International Association of Sheet Metal, Air, Rail and Transportation Workers Local 565, AFL-CIO		
4a. Address (street and number, city, state, and ZIP code) 1602 S Park St, Suite 105, Madison, WI 53715-2159		4b. Tel. No. (608)257-5757
		4c. Cell No. (608)770-3580
		4d. Fax No. (608)257-3934
		4e. e-Mail Organizer@smartlocal565.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (608)257-5757
By: 		Office, if any, Cell No. (608)770-3580
Address: 1602 S Park St, Suite 105, Madison, WI 53715-2159		Fax No. (608)257-3934
Date: 7-14-17		e-Mail organizer@smartlocal565.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
NLRB  
Mobile App

July 14, 2017

Raymond Mandli, President  
Roadview, Inc.  
4801 Tradewinds Pkwy Ste 101  
Madison, WI 53718-4100

Re: Roadview, Inc.  
Case 18-CA-202390

Dear Mr. Mandli:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If this Board agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAU, III whose telephone number is (414)930-7195.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Charging Party Request for Section 10(j) Relief:** This is to advise you that International Association of Sheet Metal, Air, Rail, and Transportation Workers Local 565, AFL-CIO has also requested the Board seek temporary injunctive relief pursuant to Section 10(j) of the Act, assuming probable merit if found, pending final determination by the Board of the alleged unfair labor practice(s). As the propriety of such action will also be the subject of our inquiry, we would appreciate your position on the injunction question as well as your position on the merits of the charge during the investigation.

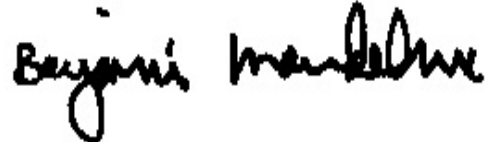
**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman". The signature is written in a cursive, somewhat stylized font.

By:  
BENJAMIN MANDELMAN  
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Mark B. Hazelbaker, Esq.  
Kasieta Legal Group LLC  
559 D'onofrio Dr, Suite 222  
Madison, WI 53719-2842



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
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Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
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July 14, 2017

Daniel Kortte, Marketing Representative  
International Association of Sheet Metal, Air,  
Rail, and Transportation Workers Local 565, AFL-CIO  
1602 S Park St, Suite 105  
Madison, WI 53715-2159

Re: Roadview, Inc.  
Case 18-CA-202390

Dear Mr. Kortte:

The charge that you filed in this case on July 14, 2017 has been docketed as case number 18-CA-202390. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If this Board agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAU, III whose telephone number is (414)930-7195.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

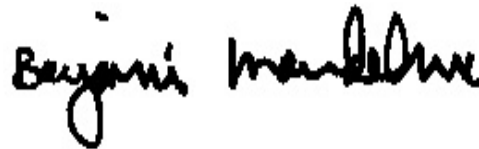
**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

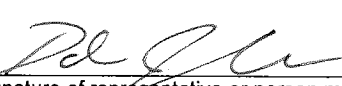
A handwritten signature in black ink, appearing to read "Benjamin Mandelman".

By:  
BENJAMIN MANDELMAN  
Officer in Charge

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
18-CA-202390	July 17, 2017

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
a. Name of Employer Roadview, Inc.		b. Tel. No. (608)883-3500	
		c. Cell No.	
d. Address (street, city, state ZIP code) 4801 Tradewinds Pkwy Ste 101, Madison, WI 53718-4100		e. Employer Representative Raymond Mandli President	
		f. Fax No. (608)883-7891	
		g. e-Mail hr@mandli.com	
		h. Dispute Location (City and State) Madison, WI	
i. Type of Establishment (factory, nursing home, hotel) IT Services		j. Principal Product or Service Road Data Collection	
		k. Number of workers at dispute location 16	
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (<i>set forth a clear and concise statement of the facts constituting the alleged unfair labor practices</i>)</p> <p>Since about July 13, 2017, the Employer has failed to bargain collectively and in good faith with SMART Local 565, by withdrawing recognition of the Union as the certified representative of the bargaining unit, and refusing to engage in further bargaining regarding the employees' terms and conditions of employment.</p> <p>Since about February 23, 2017, the Employer has failed to bargain collectively and in good faith with SMART Local 565, by refusing to timely provide and/or unreasonably delaying providing relevant and necessary information requested by Business Manager David Goodspeed on February 23, 2017, and by Goodspeed on June 15, 2017.</p> <p>Due to the severity of the allegations, the Union respectfully requests the Region seek injunctive relieve under Section 10(j) of the Act.</p>			
3. Full name of party filing charge ( <i>if labor organization, give full name, including local name and number</i> ) International Association of Sheet Metal, Air, Rail and Transportation Workers Local 565, AFL-CIO			
4a. Address (street and number, city, state, and ZIP code) 1602 S Park St, Suite 105, Madison, WI 53715-2159		4b. Tel. No. (608)257-5757	
		4c. Cell No. (608)770-3580	
		4d. Fax No. (608)257-3934	
		4e. e-Mail organizer@smartlocal565.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit ( <i>to be filled in when charge is filed by a labor organization</i> )			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (608)257-5757	
By: 		Office, if any, Cell No. (608)770-3580	
(signature of representative or person making charge)		Print Name and Title DANIEL KORTTE Marketing Representative	
Address: 1602 S Park St, Suite 105, Madison, WI 53715-2159		Fax No. (608)257-3934	
Date: 7-17-17		e-Mail organizer@smartlocal565.org	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
NLRB  
Mobile App

July 17, 2017

DANIEL KORTTE, MARKETING REPRESENTATIVE  
INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL, AND  
TRANSPORTATION WORKERS LOCAL 565, AFL-CIO  
1602 S PARK ST SUITE 105  
MADISON, WI 53715-2159

Re: Roadview, Inc.  
Case 18-CA-202390

Dear Mr. Kortte:

We have docketed the first amended charge that you filed in this case.

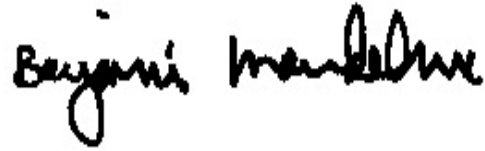
**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If the agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAUULT, III whose telephone number is (414)930-7195.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman". The signature is written in a cursive, flowing style.

By:  
BENJAMIN MANDELMAN  
Officer in Charge





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
NLRB  
Mobile App

July 17, 2017

RAYMOND MANDLI, PRESIDENT  
ROADVIEW, INC.  
4801 TRADEWINDS PKWY STE 101  
MADISON, WI 53718-4100

Re: Roadview, Inc.  
Case 18-CA-202390

Dear Mr. Mandli:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If the agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAUULT, III whose telephone number is (414)930-7195.

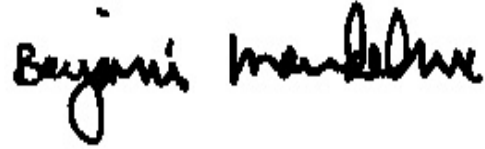
**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

July 17, 2017

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman". The signature is written in a cursive, flowing style.

By:  
BENJAMIN MANDELMAN  
Officer in Charge

Enclosure: Copy of first amended charge

cc: MARK B. HAZELBAKER, ESQ.  
KASIETA LEGAL GROUP LLC  
559 D'ONOFRIO DR STE 222  
MADISON, WI 53719-2842

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Roadview, Inc.

and

Local 565, SMART, AFL-CIO

CASE 18-CA-202390

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Roadview, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Mark Hazelbaker	
MAILING ADDRESS: 559 D'Onofrio Drive, Suite 222, Madison, WI 53719	
E-MAIL ADDRESS: mh@kasieta.com	
OFFICE TELEPHONE NUMBER: 608-662-2300	
CELL PHONE NUMBER: 608-220-7271	FAX: 608-662-9977
SIGNATURE:  <span style="float: right;">SIBN 10/0302</span>	
DATE: <span style="float: right;">8/4/2017</span>	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**and**

**Case 18-CA-202390**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS LOCAL 565, AFL-CIO**

**COMPLAINT**

This Complaint is based on a charge filed by International Association of Sheet Metal, Air, Rail and Transportation Workers Local 565, AFL-CIO (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Roadview, Inc. A Wholly Owned Subsidiary of Mandli Communications, Inc. (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Union on July 14, 2017, and a copy was served on Respondent by U.S. mail on about the same date.

(b) The first amended charge in this proceeding was filed by the Union on July 17, 2017, and a copy was served on Respondent by U.S. mail on about the same date.

(c) The second amended charge in this proceeding was filed by the Union on September 25, 2017, and a copy was served on Respondent by U.S. mail on about the same date.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Madison, Wisconsin, Respondent's facility, and has been engaged in the business of road data collection and compilation on behalf of its clients.

(b) In conducting its operations during the calendar year ending December 31, 2016, Respondent performed services valued in excess of \$50,000 in States other than the State of Wisconsin.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Field System Operator (FSO) employees, excluding all other employees, interns, guards and supervisors as defined in the Act.

(b) On March 10, 2016, based on an election held pursuant to a Stipulated Election Agreement, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since March 10, 2016, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6. At various times from about May 24, 2016 through June 2, 2017, Respondent and the Union met for the purposes of negotiating an initial collective-bargaining agreement with respect to wages, hours, and other terms and conditions of employment.

7. (a) Since about February 23, 2017, the Union has requested in writing that Respondent furnish the Union with the following information: "all books and records containing financial information relevant to the substantiation of the employer's claim that it is unable to meet the Union's economic demands."

(b) The information requested by the Union, as described above in subparagraph (a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since about May 2, 2017, Respondent, by letter from its attorney, has failed and refused to furnish the Union with the information requested by it as described above in subparagraph (a).

8. (a) Since about June 21, 2017, the Union has requested in writing that Respondent furnish the Union with the following information:

(i) What pay raises, if any, have been proposed or issued to non-bargaining unit employees of Roadview in the last year?

(ii) What other increases, if any, to the total financial employment package have been proposed or issued to non-bargaining unit employees of Roadview in the last year?

(iii) If there have been changes, what has been the total dollar impact to the Roadview budget?

(b) The information requested by the Union, as described above in subparagraph (a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since about June 28, 2017, Respondent, by letter from its attorney, has failed and refused to furnish the Union with the information requested by it as described above in subparagraph (a).

9. (a) Since about July 13, 2017, the Union has requested in writing that Respondent furnish the Union with the following information:

(i) Updated FSO list(s) including names, phone numbers and email and physical mailing addresses

(ii) All information pertaining to any wage increases, benefit changes or other increases to the compensation package for all employees since certification of the bargaining unit

(iii) Any changes to the non-monetary conditions of the bargaining unit since certification.

(b) The information requested by the Union, as described above in subparagraph (a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since about July 13, 2017, Respondent, by letter from its attorney, has failed and refused to furnish the Union with the information requested by it as described above in subparagraph (a).

10. Since about July 13, 2017, Respondent, without a valid basis, refused to engage in collective bargaining with the Union and in effect withdrew its recognition of the Union as the exclusive collective-bargaining representative of the Unit. Respondent's actions are described in a letter dated July 13, 2017, attached to this Complaint as Attachment A.

11. By the conduct described above in paragraphs 7 through 10, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraph 10, the General Counsel seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's Representative Raymond Mandli to read the notice to the employees on work time via videoconference if necessary in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during work time in the presence of Respondent's supervisors and agents identified above in paragraph 4.

As part of the remedy for Respondent's unfair labor practices alleged above in paragraphs 7 through 10, the General Counsel seeks an Order requiring Respondent to bargain in good faith with the Union, on request, for the period required by *Mar-Jac Poultry Co* , 136 NLRB 785 (1962), as the recognized bargaining representative in the appropriate unit.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before October 10, 2017, or postmarked on or before October 9, 2017.**

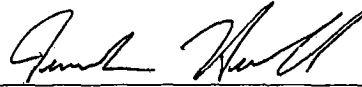


Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed,

or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

Dated: September 26, 2017



---

JENNIFER A. HADSALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 18  
FEDERAL OFFICE BUILDING  
212 THIRD AVENUE SOUTH, SUITE 200  
MINNEAPOLIS, MN 55401-2657



A Limited Liability Company

Direct Line (b) (6), (b) (7)(C)  
Direct Email (b) (6), (b) (7)(C) @kasieta.com

July 13, 2017

Mr. David Goodspeed  
Business Representative, SMART Local 565  
1602 South Park Street  
Madison, WI 53713

RE: Roadview, Inc.,  
Our File 7021.06

Dear Mr. Goodspeed:

For 14 months, we have been meeting with Local 565 to discuss the Local's proposals for a collective bargaining relationship on behalf of 16 Roadview employees. These employees constitute less than 15 percent of Roadview's employees and about 10 percent of Mandli Communications' employees. Roadview has separate management of its work and production operations, but it shares many administrative personnel with Mandli. The employees share benefit plans, including health insurance, and many working conditions

As negotiations proceeded, Roadview found that many of the contract proposals intended to address bargaining unit members had implications for the other Mandli employees. Health insurance, 401 (k), sick leave, vacation, hours of work and other conditions of employment simply cannot be divorced from those of other Mandli employees.

More seriously, management of Mandli involves coordination of all aspects of the company's production. We think it is not in the best interests of our employees to have a small percentage of the employees represented by a union when the vast majority have shown no interest in representation. We have seen no advantage to the company and its long term interests.

Roadview objected to the creation of this bargaining unit at the outset, contending that the employees of Roadview shared an overwhelming community of interest with the other employees of Mandli. The experience during the past 14 months has convinced management that its opinion in January 2016 was correct. Further, management believes that the certification of a bargaining unit which represents so small a percentage of employees who share a community of interest is contrary to the National Labor Relations Act, to its anti-fragmentation policies, and other important labor policies.

In Roadview's answer to your Unfair Labor Practice Complaint, we alleged that the current unit is not appropriate. We believe the *Specialty Healthcare* decision was incorrect, and intend to make a good faith effort to argue for reversal of that decision by the National Labor Relations Board.

559 D'Onofrio Drive, Suite 222 Madison, WI 53719-2842  
(608) 662-9999 Fax (608) 662-9977  
www.kasieta.com

Attachment A

For these reasons and other reasons we reserve the right to present at the August 28, 2017 hearing, Roadview, Inc , hereby withdraws its tentative agreement to Article II of the agreement which was under discussion. Roadview refuses to bargain with Local 565 as representative of the current bargaining unit, which Roadview deems inappropriate. All future meetings with Roadview are cancelled

Very truly yours,

KASIETA LEGAL GROUP LLC

(b) (6), (b) (7)(C)

Cc: Roadview, Inc.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 18-CA-202390

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***,
- (3) Alternative dates for any rescheduled hearing must be given,
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

RAYMOND MANDLI, PRESIDENT  
ROADVIEW, INC  
4801 TRADEWINDS PKWY STE 101  
MADISON, WI 53718-4100

MARK B. HAZELBAKER, ESQ.  
KASIETA LEGAL GROUP LLC  
559 D'ONOFRIO DR STE 222  
MADISON, WI 53719-2842

DANIEL KORTTE, MARKETING  
REPRESENTATIVE  
INTERNATIONAL ASSOCIATION OF  
SHEET METAL, AIR, RAIL, AND  
TRANSPORTATION WORKERS LOCAL  
565, AFL-CIO  
1602 S PARK ST SUITE 105  
MADISON, WI 53715-2159

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**SECOND AMENDED CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
18-CA-202390	September 25, 2017

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Roadview, Inc.		b. Tel. No. (608)883-3500
		c. Cell No.
d. Address (street, city, state ZIP code) 4801 Tradewinds Pkwy Ste 101, Madison, WI 53718-4100	e. Employer Representative Raymond Mandli, Owner	f. Fax No. (608)883-7891
		g. e-Mail hr@mandli.com
		h. Dispute Location (City and State) Madison, WI
i. Type of Establishment (factory, nursing home, hotel) IT Services	j. Principal Product or Service Road Data Collection	k. Number of workers at dispute location 16

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since about July 13, 2017, the Employer has failed to bargain collectively and in good faith with SMART Local 565, by withdrawing recognition of the Union as the certified representative of the bargaining unit, and refusing to engage in further bargaining regarding the employees' terms and conditions of employment.

Since about February 23, 2017, the Employer has failed to bargain collectively and in good faith with SMART Local 565, by refusing to timely provide and/or unreasonably delaying providing relevant and necessary information requested by Business Manager David Goodspeed on about February 23, 2017, June 15, 2017, and July 13, 2017.

Due to the severity of the allegations, the Union respectfully requests the Region seek injunctive relieve under Section 10(j) of the Act.

**3. Full name of party filing charge (If labor organization, give full name, including local name and number)**

International Association of Sheet Metal, Air, Rail and Transportation Workers Local 565, AFL-CIO

4a. Address (street and number, city, state, and ZIP code) 1602 S Park St, Suite 105, Madison, WI 53715-2159	4b. Tel. No. (608)257-5757
	4c. Cell No. (608)770-3580
	4d. Fax No. (608)257-3934
	4e. e-Mail organizer@smartlocal565.org

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.  
(608)257-5757

By: 

DANIEL KORTTE, Marketing Representative

Office, if any, Cell No.  
(608)770-3580

(signature of representative or person making charge)

Print Name and Title

Fax No.  
(608)257-3934

Address: 1602 S Park St, Suite 105,  
Madison, WI 53715-2159

Date: Sept 25, 17

e-Mail  
organizer@smartlocal565.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
NLRB  
Mobile App

September 25, 2017

DANIEL KORTTE, MARKETING REPRESENTATIVE  
INTERNATIONAL ASSOCIATION OF  
SHEET METAL, AIR, RAIL, AND  
TRANSPORTATION WORKERS LOCAL 565, AFL-CIO  
1602 S PARK ST, SUITE 105  
MADISON, WI 53715-2159

Re: Roadview, Inc.  
Case 18-CA-202390

Dear Mr. Kortte:

We have docketed the second amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If the agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAU, III whose telephone number is (414)930-7195.

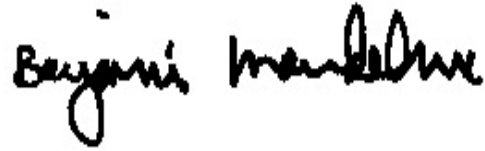
**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

September 25, 2017

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman". The signature is written in a cursive, flowing style.

By:

BENJAMIN MANDELMAN  
Officer in Charge





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

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Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
NLRB  
Mobile App

September 25, 2017

Raymond Mandli, President  
Roadview, Inc.  
4801 Tradewinds Pkwy Ste 101  
Madison, WI 53718-4100

Re: Roadview, Inc.  
Case 18-CA-202390

Dear Mr. Mandli:

Enclosed is a copy of the second amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner AMANDA E. BAHNSON whose telephone number is (414)930-7190. If the agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAUULT, III whose telephone number is (414)930-7195.

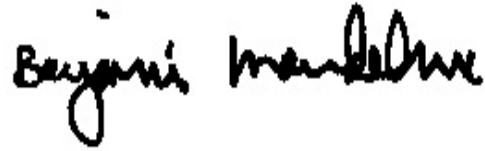
**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

September 25, 2017

Very truly yours,

JENNIFER A. HADSALL  
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman". The signature is written in a cursive, slightly slanted style.

By:  
BENJAMIN MANDELMAN  
Officer in Charge

Enclosure: Copy of second amended charge

cc: Mark B. Hazelbaker, Esq.  
Kasieta Legal Group LLC  
559 D'onofrio Dr Ste 222  
Madison, WI 53719-2842

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**and**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS LOCAL 565, AFL-CIO**

**Cases 18-CA-193006 and  
18-CA-202390**

**GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S MOTION TO POSTPONE**

On October 3, 2017, Respondent filed a motion to postpone the hearing with the Division of Judges on the basis that its hearing counsel will be unavailable during the week of the hearing due to a previously scheduled jury trial in Dane County Circuit Court.<sup>1</sup> General Counsel opposes any postponement in the above-referenced matter, which is scheduled for hearing on October 23, 2017 for the reasons stated below.

The Complaint in Case 18-CA-202390 alleges that Respondent violated Section 8(a)(1) and (5) of the Act by refusing to bargain with the Union and effectively withdrawing recognition from the Union as of July 13, 2017. It also alleges that Respondent violated the Act by refusing to provide the Union with information relevant and necessary to its performance and duties as the exclusive collective-bargaining representative, including, but not limited to, contact information about bargaining unit employees, all of whom work remotely and are spread out across the country.

Respondent's unlawful conduct as described above has left the employees with no bargaining representative and the Union with no effective ways to communicate to the unit

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<sup>1</sup> The Region denied Respondent's prior motions to postpone via Order dated October 2, 2017.

employees it lawfully represents. While ordinarily a short postponement may be of little consequence, time is of the essence in this case because of the egregious nature of the violations. Any delay in this matter will only serve to undermine the Union and lengthen the amount of time employees are deprived of their right to be represented by their chosen collective-bargaining representative. For this same reason, Section 10(j) injunctive relief is being considered.

Finally, should Your Honor grant Respondent's postponement request, Counsel for General Counsel respectfully asks that that the matter be scheduled for hearing as soon as possible in accordance with Section 102.94(a) of the Board's Rules and Regulations, given the possibility that Section 10(j) injunctive relief may be sought.

Dated: October 4, 2017.

1 18 4 1 527  
\_\_\_\_\_  
Renée M. Medved  
Counsel for General Counsel  
National Labor Relations Board  
Region 18 – Sub-Region 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18 - SUBREGION 30**

**ROADVIEW, INC., A WHOLLY OWNED  
SUBSIDIARY OF MANDLI COMMUNICATIONS,  
INC.**

**And**

**INTERNATIONAL ASSOCIATION OF SHEET  
METAL, AIR, RAIL AND TRANSPORTATION  
WORKERS LOCAL 565, AFL-CIO**

**Cases 18-CA-193006 and  
18-CA-202390**

**ORDER DENYING MOTION TO POSTPONE HEARING**

The undersigned Regional Director for Region 18, Sub-Region 30 of the National Labor Relations Board, pursuant to Section 102.16(a) of the Board's Rules and Regulations, as amended, hereby **denies** the below-referenced motion to postpone hearing:

1. A Complaint in Case 18-CA-202390 and an Order Consolidating Case 18-CA-202390 with Case 18-CA-193006, issued on September 26, 2017. The consolidated cases are scheduled for hearing on October 23, 2017.

2. The Complaint in Case 18-CA-202390 alleges that Respondent violated Section 8(a)(1) and (5) of the Act by refusing to bargain with the Union and effectively withdrawing recognition from the Union as of July 13, 2017. It also alleges that Respondent violated the Act by refusing to provide the Union with information relevant and necessary to its performance and duties as the exclusive collective-bargaining representative.

3. On about August 9, 2017 (prior to the issuance of Complaint in Case 18-CA-202390) and again on September 29, 2017, Respondent filed a motion to postpone on the basis that its hearing counsel in this matter is unavailable the week of the scheduled hearing due

to a jury trial in Dane County Circuit Court. Respondent proposes rescheduling to dates during the last week of October and several dates in November and January.

**IT IS HEREBY ORDERED** that the motion to postpone is denied because Section 10(j) injunctive relief is under consideration in this matter and the nature of this proceeding dictates expeditious judicial consideration.<sup>1</sup> (See Section 102.94(a) of the Board's Rules and Regulations.)

Dated October 2, 2017.

JENNIFER A. HADSALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 18

By: /s/ Benjamin Mandelman

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BENJAMIN MANDELMAN  
OFFICER-IN-CHARGE  
NATIONAL LABOR RELATIONS BOARD  
SUBREGION 30  
310 WEST WISCONSIN AVENUE, STE 450W  
MILWAUKEE, WI 53203-2246

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<sup>1</sup> Pursuant to Section 102.16(b) and 102.24(a) of the Board's Rules and Regulations, Respondent may file its Motion to Postpone with the Division of Judges for consideration.